

For the purposes of these Policies and Procedures, the following definitions apply. Terms used, but not otherwise defined shall have the same meaning as set forth in HIPAA.

“Active Individual” or “Active Patient” means a patient of a Participant who has sought Treatment from that Participant, or one of that Participant’s Authorized User(s), who is a Health Care Provider, within the prior twenty-four (24) months.

“Applicable Law” means HIPAA, the HITECH Act, and other applicable federal and Illinois law and regulations, as amended or modified from time to time, including but not limited to the Illinois Health Information Exchange and Technology Act (20 ILCS 3860/).

“Audit Log” means the chronological sequence of audit records, each of which contains data about a specific event.

“Authorized User” means members of a Participant’s Workforce, a Participant’s agents, contractors, Subcontractors or other persons or entities authorized by such Participant, under the procedures set forth in the Data Sharing Agreement, to request, Use or Disclose Protected Health Information from Another Participant’s System. Alternatively, as appropriate in context, Authorized User means those members of the ILHIE Authority’s Workforce, the ILHIE Authority’s agents, contractors, Subcontractors or other persons or entities authorized by the ILHIE Authority to request, Use or Disclose Protected Health Information that is transmitted through the ILHIE, or those members of Another Participant’s Workforce, such Other Participant’s agents, contractors, Subcontractors or other persons or entities authorized by the Other Participant to request, Use or Disclose Protected Health Information that is transmitted through the ILHIE.

“Affected Participant” means any Participant (other than a Breaching Participant) with respect to which a Breach has occurred or for which there is a reasonable possibility that a Breach has occurred with respect to its Systems or Protected Health Information, but which does not involve an act or omission of the Affected Participant or any of its Authorized Users, Workforce, Business Associates, or Subcontractors that caused the Breach.

“Breach” means any acquisition, access, use, or disclosure of Protected Health Information which utilizes ILHIE technology or infrastructure or which allows unauthorized access to ILHIE technology, ILHIE infrastructure or Protected Health Information through the ILHIE, and which compromises the security or privacy of such information except as set forth in 45 C.F.R §164.402. A acquisition, access, use, or disclosure of Protected Health Information in a manner not permitted by the Data Sharing Agreement, HIPAA, PIPA or other Applicable Law is presumed to be a Breach, unless the Breaching Participant or the ILHIE Authority demonstrates that there is low probability that Protected Health Information has been compromised based on a risk assessment using the factors set forth in 45 C.F.R §164.402 and the Breaching Participant or the ILHIE Authority demonstrates that the acquisition, access, use, or disclosure does not constitute a Breach under HIPAA, PIPA or other Applicable Law.

“Breaching Participant” means a Participant whose act or omission, or the act or omission of that Participant’s Authorized User, Workforce member, Business Associate, or Subcontractor, caused a Breach.

“Data Sharing Agreement” or **“DSA”** means the data sharing agreement entered into by and between the ILHIE Authority and a Participant for the use of ILHIE Connect.

“Deactivation Notice” means the notification given by the ILHIE Authority to a Participant informing the Participant that an Authorized User of the Participant will no longer be able to access Protected Health Information through ILHIE.

“Department of Health and Human Services” or **“HHS”** means the United States Department of Health and Human Services.

“EHR” means electronic health record.

“Health Information Exchange” or **“HIE”** means a Health Information Exchange as defined in the Illinois Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/) and any regulations promulgated or standards developed thereunder, as amended from time to time, and any other health information exchange including but not limited to federal HIEs and HIEs in states other than Illinois, that have executed a data sharing agreement with the ILHIE Authority.

“HIPAA” means, without limitation, the federal Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104-191) and its implementing regulations on privacy and security found at 45 C.F.R. Parts 160 and 164, as the same may be amended from time to time, including modifications to the HIPAA Security and Privacy Rules arising from the Health Information Technology for Economic and Clinical Health (HITECH) Act (Pub. L. 111-5).

“HITECH” means the Health Information Technology for Economic and Clinical Health Act, Public Law 111-005, and any and all regulations promulgated thereunder, as amended from time to time.

“ILHIE” means the Illinois Health Information Exchange as established by the Illinois Health Information Exchange and Technology Act, and any and all regulations promulgated thereunder, as amended from time to time.

“ILHIE Authority” means the Illinois Health Information Exchange Authority as established by the Illinois Health Information Exchange and Technology Act. Unless otherwise specified, “ILHIE Authority” shall include its Workforce, contractors, Subcontractors, and Business Associates.

“ILHIE Connect” means the ILHIE Authority’s ILHIE Connect service, a State-wide bi-directional health information exchange.

“ILHIE Breach” shall mean a Breach of the ILHIE during the transmission of Protected Health Information through the ILHIE or a Breach due to the act or omission of the ILHIE Authority. An ILHIE Breach does not include a Breach of the ILHIE that did not occur during

transmission through the ILHIE or a Breach that is not due to the act or omission by the ILHIE Authority.

“ILHIE Notice” means written notice developed and approved by the ILHIE Authority for use by Participants to provide Active Patients with meaningful disclosure about ILHIE Connect and that explains the function of ILHIE Connect, the purposes for disclosure of a patient’s Protected Health Information to Another Participant, the potential benefits and risks to an Individual of participation in ILHIE Connect and any other information as required by law. The ILHIE Notice will further explain an Individual’s right to opt out of ILHIE Connect and directs the Individual to the ILHIE Authority’s website containing (i) an explanation of the purposes of the health information exchange and (ii) audio, visual, and written instructions on how to opt out of ILHIE Connect.

“ILHIE PCO” means the ILHIE Privacy and Compliance Officer or other individual designated by the ILHIE Authority.

“ILHIE Signage” means signage developed and approved by the ILHIE Authority that briefly describes ILHIE Connect, Individual opt-out rights, and that identifies the ILHIE Authority website.

“Informational Notification” means the notification that a Breaching Participant gives to ILHIE Authority and Affected Participants. Informational Notification should be contrasted to “Legal Notification” which is that notification required by HIPAA, HITECH and other Applicable Law.

“Legal Notification” means notification required by law to be made in the event of a Breach.

“Master Patient Index” means the Master Patient Index that is maintained by the ILHIE Authority which holds (i) demographic information about each Individual enrolled by a Participant, (ii) a list of each such Individual’s health care providers that are Participants, and (iii) each such Individual’s consent preference with regard to each Participant.

“Meaningful Use” or “Meaningful Use Regulations” means the regulations put forth by the Centers for Medicare & Medicaid Services in the final rule on meaningful use, found at 42 C.F.R. Parts 412, 413, 422, and 495, and the regulations put forth by the Office of the National Coordinator for Health Information Technology, found at 45 C.F.R. Part 170.

“National Institute of Standards and Technology” or “NIST” means the non-regulatory federal agency within the U.S. Department of Commerce.

“Opt-Out Form” means the “Illinois Health Information Exchange Authority’s ILHIE Connect Opt-Out Form” developed and approved by the ILHIE Authority for use to document a Individual’s ILHIE Connect opt-out decision, and which may be updated from time to time.

“Opt-In Form” means the “Illinois Health Information Exchange Authority’s ILHIE Connect Opt-In Form” developed and approved by the ILHIE Authority for use to document a Individual’s ILHIE Connect opt-in decision for patients who previously did not participate in ILHIE Connect, and which may be updated from time to time.

“Other Participant” or “Another Participant” means any other individual or entity including without limitation another HIE that has signed a Data Sharing Agreement to participate in the ILHIE.

“Participant(s)” means an individual who or entity, including without limitation an HIE, that has executed a Data Sharing Agreement with the ILHIE Authority. In the future, Participants may include public and private health insurance plans.

“PIPA” means the Illinois Personal Information Protection Act (815 ILCS 5301/), and any and all regulations promulgated thereunder, as amended from time to time.

“Permitted Purpose(s)” means the following purposes for which Participant(s) and the ILHIE Authority are authorized to access, acquire, request, use, and/or disclose Protected Health Information through the ILHIE: (i) Treatment of the Individual who is the subject of the Protected Health Information; (ii) Payment activities of the Health Care Provider for the Individual who is the subject of the Protected Health Information; (iii) Health Care Operations; (iv) public health activities and reporting as permitted by HIPAA and other Applicable Law; (v) any purpose to demonstrate meaningful use of certified electronic health record technology in accordance with the Meaningful Use Regulations; and (vi) uses and disclosures pursuant to an Authorization provided by the Individual who is the subject of the Protected Health Information or such Individual’s personal representative as described in 45 C.F.R §164.502(g) of the HIPAA regulations. Protected Health Information shall be accessed, acquired, requested, used and disclosed in compliance with the Data Sharing Agreement, these Policies and Procedures, and Applicable Law. At this time, there is no secondary data use allowed. Any purpose that is not a Permitted Purpose is a secondary data use.

“Policies and Procedures” means these Policies and Procedures which are the ILHIE Authority standards, policies and procedures adopted by the ILHIE Authority, as updated, changed or supplemented from time to time.

“Specially Protected Health Information” means alcohol and substance abuse treatment information that is protected under federal or Illinois law, HIV test results and the identity of the tested patient, genetic testing and information, child abuse and neglect reports and records, sexual assault evidence and information, veteran’s homes resident records, and all other health information that requires specific written patient consent for disclosure under federal or Illinois law, as amended from time to time.

“System” or “Information System” means an interconnected set of information resources under the same direct management control that shares common functionality. A System normally includes hardware, software, information, data, applications, communications, and people. For purposes of these Policies and Procedures, a System is the System by which Participant holds or exchanges Protected Health Information under this Agreement. For purposes of these Policies and Procedures, it shall not matter whether Participant controls or utilizes the System through ownership, lease, license, or otherwise. Where appropriate in context, “System” or “Information System” shall also mean the ILHIE Authority system.

“System Administrator” means the authorized individual(s) who has been assigned primary responsibility for maintaining and managing a System.